

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 721
By: Larson; Guillen (Perry)
Water & Rural Affairs
5/13/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Aquifer Storage and Recovery (ASR) is a proven method of injecting water underground in aquifers that have excess storage capacity for later recovery. Aquifer recharge projects consist of intentional recharge of an aquifer by infiltration or injection to assist with mitigation of flood flows, reduce declines in the water levels of aquifers, supplement the quantity of groundwater available, improve water quality, and improve spring flows and other interactions between groundwater and surface water.

Initial feasibility and pilot testing studies are important as both ASR and aquifer recharge projects require the right physical conditions.

H.B. 721 directs the Texas Water Development Board to study the suitability of Texas' major and minor aquifers for use in ASR and aquifer recharge projects. The study must be completed by December 15, 2020. (Original Author's/Sponsor's Statement of Intent)

H.B. 721 amends current law relating to the duty of the Texas Water Development Board to conduct studies of and prepare and submit reports on aquifer storage and recovery and aquifer recharge projects.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 11.155, Water Code, as follows:

Sec. 11.155. New heading: AQUIFER STORAGE AND RECOVERY AND AQUIFER RECHARGE REPORTS. (a) Defines "aquifer recharge project" and "aquifer storage and recovery project."

(b) Creates this subsection from existing text. Requires the Texas Water Development Board (TWDB) to make studies, investigations, and surveys of the aquifers in the state to determine the occurrence, quantity, quality, and availability of aquifers in which aquifer storage and recovery projects or aquifer recharge projects are feasible, rather than requiring TWDB to make studies, investigations, and surveys of the aquifers in the state as it considers necessary to determine the reference, quantity, quality, and availability of aquifers in which water may be stored and subsequently retrieved for beneficial use.

(c) Requires TWDB, working with appropriate interested persons, including river authorities and major water providers and water utilities, regional water planning groups, groundwater conservation districts, and potential public sponsors of aquifer storage and recovery projects or aquifer recharge projects, to:

(1) conduct studies of aquifer storage and recovery projects and aquifer recharge projects identified in the state water plan or by interested persons; and

(2) report the results of each study conducted under Subdivision (1) to regional water planning groups and interested persons.

(d) Provides that this subsection expires January 1, 2021. Requires TWDB to:

(1) conduct a statewide survey to identify the relative suitability of various major and minor aquifers for use in aquifer storage and recovery projects or aquifer recharge projects based on consideration of:

(A) hydrogeological characteristics, with a focus on:

(i) storage potential;

(ii) transmissivity;

(iii) infiltration characteristics;

(iv) storativity;

(v) recoverability; and

(vi) water quality;

(B) the frequency, volume, and distance from excess water available for potential storage; and

(C) the current and future water supply needs identified in the state water plan;

(2) prepare a report that includes an overview of the survey conducted under Subdivision (1); and

(3) not later than December 15, 2020, submit the report described by Subdivision (2) to the governor, lieutenant governor, and speaker of the house of representatives. Deletes existing text requiring TWDB to undertake the studies, investigations, and surveys in a certain prioritized order.

SECTION 2. Requires TWDB to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. Authorizes, but does not require, TWDB, if the legislature does not appropriate money specifically for that purpose, to implement a provision of this Act using other appropriations available for that purpose.

SECTION 3. Effective date: upon passage or September 1, 2019.